

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

LSA Document #08-318

SUMMARY/RESPONSE TO COMMENTS FROM THE PUBLIC HEARING

The Indiana State Department of Health's (ISDH) Executive Board preliminarily adopted Rule 410 IAC 29, Lead Poisoning Prevention, on July 9, 2008. ISDH published the proposed rule in the December, 2008, *Indiana Register*. A public hearing was held in Indianapolis on February 3, 2009 to solicit comments from the public on the proposed rule. The record of the hearing was held open for submission of written comments until February 3, 2009. The following party submitted written comments:

Janet McCabe, Executive Director, Improving Kids' Environment

The following is a summary of the comments received and ISDH's responses thereto:

Comment: Janet McCabe – Section 410 IAC 29-1-6(2) (E) – the last sentence of this subsection states “A clearance examination shall be conducted to establish the efficacy of remediation.” Because the sentence uses passive voice, it is not clear which party (the local health department, the property owner, or someone else) is responsible for conducting the clearance exam. A later section spells this out (410 IAC 29-4-2), so we would recommend either removing the quoted sentence and making an internal reference to §29-4-2 or editing the sentence to clarify that the property owner is the responsible party.

Response: ISDH agrees with Ms. McCabe's comment and will make the necessary changes to reflect Ms. McCabe's comment.

Comment: Janet McCabe – Section 410 IAC 29-4-2 – we suggest the following wording changes to avoid the passive voice and clarify the meaning in the first sentence: “If a risk assessment identifies lead hazards, the local health department must provide a complete standard risk assessment report identifying the component location and required remediation options for each lead hazard ~~must be provided~~ to the property owner no later than five (5) business days from the receipt of verification by sample analysis of the lead hazards...”

And the following changes in subsection (1) to establish a deadline within which a property owner must submit a proposed remediation schedule to the local health department: “(1) Develop a reasonable written schedule prioritizing the work based on the recommendations of the risk assessment and the local health department within thirty (30) days.”

Response: ISDH agrees with Ms. McCabe's comments and will make the necessary changes to reflect Ms. McCabe's comments.